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International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Security Council
Sixty-sixth year

Identical letters dated 20 December 2011 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council

I have the honour to transmit to you the attached letter dated 13 December 2011 from Judge Khalida Rachid Khan, President of the International Criminal Tribunal for Rwanda (see annex).

In her letter, Judge Khan requests the extension of the term of office of Judge Florence Rita Arrey, an ad litem judge of the Trial Chamber of the Tribunal, until 30 June 2012 or until the completion of the cases to which she is assigned, if sooner. I recall that, pursuant to Security Council resolution 1932 (2010) and General Assembly decision 64/415, the current term of office of the Trial Chamber judges is set to expire on 31 December 2011. However, Judge Arrey is required to complete a dissenting opinion in the *Ndahimana* case, to decide on a motion for the preservation of defence evidence in the *Mpiranya* case and, if the motion is granted, to preside over the evidence preservation proceedings. An extension of her term of office is necessary because it is projected that this work will be completed in the first quarter of 2012.

It falls to the General Assembly and the Security Council to consider and decide on these requests. Accordingly, I would be grateful if you would have the present letter and its annex circulated as a document of the General Assembly.

(*Signed*) **BAN** Ki-moon

Annex

Letter dated 13 December 2011 from the President of the International Criminal Tribunal for Rwanda addressed to the Secretary-General

I am writing in reference to my letter dated 26 November 2011 (A/66/620-S/2011/780) to supplement my request for the extension of the terms of office for a number of the Tribunal's judges. Since my letter of 26 November 2011, there have been some developments that have caused the necessity to request the extension of one additional ad litem judge who was previously expected to demit office on 31 December 2011.

Judge Florence Rita Arrey is the Presiding Judge on the *Ndahimana* case, for which the oral judgement summary was delivered on 17 November 2011. Judge Arrey has informed me that, due to the complex dissent that she is writing in that case, which deals with many of the most fundamental aspects of the judgement, she will need to address the reasons given in the majority opinion which has not yet been finalized. Therefore, she will need a short time beyond 31 December to finish drafting her written dissent.

In addition, yesterday I received a motion from duty counsel for the defence in the *Mpiranya* proceedings for the preservation of evidence under rule 71 bis seeking to call witnesses in order to preserve defence evidence. The single judge presiding over the Prosecution's evidence preservation in *Mpiranya* was Judge Arrey. I have previously considered that the single judge who presided over the Prosecution's preservation of evidence in a particular case was best placed to decide to what extent it is necessary to grant the defence motion to rebut the prosecution evidence that has been preserved by calling further witnesses. Moreover, that Judge would also be best placed to preside over the proceedings to preserve defence evidence. The preservation of defence evidence, if granted in the *Mpiranya* case, would be expected to be completed in the first quarter of 2012.

Therefore, extension is sought until 30 June 2012 or completion of the cases to which she is or will be assigned, if sooner, for Judge Florence Rita Arrey (Cameroon).

This matter is of crucial importance to ensure that the integrity of the *Ndahimana* judgement remains intact, as well as to ensure that the *Mpiranya* rule 71 bis proceedings are conducted in a fair and expeditious manner.

I would be grateful if you could bring my request to the attention of the Security Council and the General Assembly for necessary action, as required.

(*Signed*) Khalida Rachid **Khan**
President